THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.26079 OF 2000

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition and Excise, appearing for the respondents.

The main Writ Petition is filed seeking a direction to the respondents to demarcate and give the numbers to the allotted trees, numbering about 2100, situated in Sy.Nos.53, 60, 62, 63, 64, 66, 68, 78, 74, 77 and 87 of Rajapur village, Kamanpur Mandal in Karimnagar District.

The grievance of the petitioner, who claimed to be the President of Toddy Co-operative Society, Rajapur, is that the respondents have erroneously allotted 544 trees situated in Sy.Nos.64 and 66 of Rajapur village to the 4th respondent-Toddy Co-operative Society, Kamanpur. According to the petitioner, the said 544 trees are situated within the area of operation of the petitioner's Society. The petitioner states that as a matter of fact a representation was made on 8.9.2000 raising objections. However, the respondents have failed to consider the same.

On behalf of the respondents 1 to 3 a counter-affidavit has been filed in which the allegations made by the petitioner has been denied and it is stated that at the time of allotment of trees to petitioner's Society, survey numbers are not mentioned, and therefore, the question of allotment of trees to the 4th respondent-Society, from those trees which have already been allotted to the petitioner's Society, does not arise. It is also stated that in case the petitioner has any objection with regard to the allotment, they ought to have raised their objections.

Though notice is served on the 4th respondent, none appeared for the 4th respondent and no counter-affidavit has been filed.

Having heard the learned counsel for both the parties and having regard to the facts and circumstances of the case, and particularly keeping in view that the matter involves disputed questions of fact, which required to be enquired into and decided

by the 1st respondent, who is the competent authority under the Statute, I am not inclined to express any opinion with regard to the correctness of the allegations made by the petitioner. Instead, I deem it appropriate to dispose of the Writ Petition with a direction to the 1st respondent – Superintendent, Excise and Prohibition, Karimnagar, to conduct a detailed enquiry into the allegations made by the petitioner that 544 trees situated in Sy.Nos.64 and 66 of Rajapur village were erroneously allotted to the 4th respondent-Society, and to pass appropriate orders in accordance with law. It is needless to mention that before passing any such order, the 1st respondent shall afford a reasonable opportunity to both the petitioner as well as the 4th respondent to put forth their own versions. Such exercise shall be completed by the 1st respondent as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of this order. Keeping in view that an interim order was granted as long back as on 22.2.2001, granting interim stay of allotment of 544 trees situated in Sy.Nos.64 and 66 of Rajapur village to the 4th respondent-Society, it is made clear that the same shall be continued till the enquiry is completed and appropriate orders are passed by the 1st respondent. No costs.

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26th October, 2005.

Kgr.

THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.26079 OF 2000

26.10.2005.

Between:

Krishna Goud. .. Petitioner.

And.

The Superintendent, Excise and Prohibition,

Karimnagar, Karimnagar District and three

others. Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.26079 OF 2000

26th October, 2005.